

CODE  
OF  
VIRGINIA

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# CODE OF VIRGINIA

## 1950

With Provision for Subsequent Pocket Parts

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ANNOTATED

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**§ 19-274. When death sentence executed.**—Sentence of death, except for insurrection or rebellion, shall not be executed sooner than thirty days after the sentence is pronounced. (Code 1919, § 4940.)

**§ 19-275. Death chamber; who to execute death sentence.**—The superintendent of the state penitentiary, at Richmond, is hereby authorized and directed to provide and maintain a permanent death chamber within the confines of the penitentiary. The death chamber shall have all the necessary appliances for the proper execution of felons by electrocution. In the death chamber shall be executed all felons upon whom the death penalty has been imposed. Each execution shall be conducted by the superintendent or some assistant or assistants designated by him. (Code 1919, § 4941.)

Electrocution not cruel and unusual punishment.—The punishment of death by electrocution cannot in itself be regarded as a cruel and unusual form of punishment. *Hart v. Com.*, 131 Va. 726, 109 S. E. 582.

**§ 19-276. Transfer of convict to penitentiary; how death sentence executed; who to be present.**—The clerk of the court in which is pronounced the sentence of death against any felon shall, as soon as may be, after such sentence, deliver a certified copy thereof to the superintendent of the penitentiary at Richmond. As soon as practicable thereafter and not less than fifteen days before the time fixed, in the judgment of the court, for the execution of the sentence, the superintendent of the penitentiary shall cause to be conveyed to the penitentiary such condemned felon in the manner now prescribed by law for the conveyance of felons sentenced to confinement in the penitentiary, and the superintendent, in his discretion, may appoint more than one guard to convey the condemned felon, and the expenses of such guard or guards shall be paid in the manner and under the requirements now prescribed by law for the conveyance of convicts to the penitentiary. The superintendent, or the assistants appointed by him, shall, at the time named in the sentence, cause the felon under sentence of death to be electrocuted until he is dead unless a suspension of execution be ordered. At the execution there shall be present the superintendent, or an assistant, the surgeon of the penitentiary or his assistant, and a number of respectable citizens numbering not less than six nor more than twelve. The counsel for the convict and a minister of the Gospel may be present. (Code 1919, § 4942; 1936, p. 49.)

**§ 19-277. Certificate of the execution of death sentence.**—The superintendent shall certify the fact of the execution of the condemned felon to the clerk of the court by which such sentence was pronounced, who shall file such certificate with the papers of the case and enter the same upon the records of the case. (Code 1919, § 4943.)

**§ 19-278. New day for execution.**—Whenever, for an offense committed after June eighteenth, nineteen hundred and twenty-two, the day fixed for the execution of a sentence of death shall have passed without the execution of such sentence and it shall have become necessary to fix a new date therefor, the court which pronounced such sentence, or the judge thereof in vacation, shall fix another day for such execution. The person to be executed need not be present when such other date is fixed, but a copy of the order fixing the new date of execution shall be promptly furnished by the clerk of the court making the order to the officer in whose custody the person to be executed is, and such officer shall deliver a copy of the order to the person to be executed and, if he is unable to read it, explain it to him, at least ten days before the date fixed for such execution, and make return thereof to the clerk of the court which issued same.

When the day fixed for the execution of a sentence of death has passed with-